

BOARD OF PARK COMMISSIONERS

REGULAR MEETING

Monday, December 8, 2003

Present: Bob Aldrich, June Bailey, Dennis Brunner, Colleen Craig, Glen Dey, Bobbie Harris, Janet Miller

Also Present: Nalini Johnson, Wichita-Sedgwick County Area Planning Department; Kathy Landwehr and Bob Pickens, Midtown Plan Steering Committee; Mike North, Law Department; Doug Kupper and Maryann Crockett (staff)

President Bailey called the meeting to order at approximately 3:35 p.m. The minutes of the regular meeting of November 10, 2003, were reviewed and approved.

1. **Planeview Property: Land Exchange as Offer in Mitigation for Park Land Sold/Repurchase the Property.** Director Kupper briefly reviewed the item referring board members to City Council Agenda Report #03-1263 dated December 2, 2003, Subject: Planeview Property. He said the Board would be discussing a land exchange to provide mitigation for city owned land sold at Planeview Park that had been developed with Land, Water and Conservation Funds (LWCF). He said the item had been deferred by the City Council pending review by the Park Board and District III Advisory Board. He said several options for the Board to consider were repurchasing the three acres that were sold for the sale price, plus expenses to rezone the property of approximately \$25,642; reaffirming their vote to replace the three acres with approximately twenty-two acres identified at the November meeting; or considering alternative replacement property suggested by the neighborhood located at 3500 S. Cessna. He said staff's task was to find suitable replacement land in the Planeview neighborhood with a value equal or greater to \$32,900. He referred to a map of the area and identified each property mentioned. He said staff would need to obtain an appraised value on the land at 3500 S. Cessna. He commented that the property located at 3500 S. Cessna, consisting of approximately 16 acres (5.46 of which was already owned by the Park Board), was much more suitable for park development than the drainage way discussed at the November meeting.

Director Kupper indicated that the District III Advisory Board (DAB) would hear public comment on the issue at the January 7, 2003, meeting at 7:00 p.m. at Colvin Recreation Center. President Bailey invited the public at the meeting to speak on the issue. The following individuals spoke:

- Allison Hamm, GreenWay Alliance – commented that she appreciated the responsibilities and work that Park Board members do. She said she supported reacquiring the land that was sold, but not the payment of expenses incurred by Mr. Norris. She stated that she hoped the Board would work more closely with the community on park issues in the future.
- Phyllis Hall, 4121 Whitney – said she supported acquisition of the replacement parcel located at 3500 S. Cessna.
- Karol Schlicher, Project Beauty and GreenWay Alliance – said that when Project Beauty gives something in support of a park, they expect it to remain a park. (Project Beauty had donated a bench along the bike path at Planeview, which was part of the parcel that was sold.) She urged the Board to get back the original three acres at Planeview without paying anything extra. She also said that this issue set a terrible precedent for the community that parkland is for sale. She said

she has spoken to people at the National Park Service regarding use of LWCF and questioned the legality of the land sale since the land was not advertised for sale, nor did any public hearing or public notification take place prior to the sale. She said these types of issues cause citizens to lose confidence in City government. She said it would also discourage citizens and other organizations from donating money and other amenities for parks and park projects in the future.

- Cordel Carter, President, Planeview Neighborhood Association – commented that the sale of three acres of Planeview Park was news to all of the neighborhood residents. He said the neighborhood association would like the Park Board to reacquire the three acres sold at Planeview for the sale price, but no additional expenses. In addition, they would also like the Board to acquire the land at 3500 S. Cessna, which is the former site of the Brookside Elementary School.

President Bailey requested clarification from the previous speakers on their recommendations regarding repurchase of the original three acres sold at Planeview Park. Ms. Hamm clarified that she would like to see both parcels acquired (the original three acres and the land located at 3500 S. Cessna), since there was a shortage of parkland citywide. Phyllis Hall said she would like to see the three acres repurchased; however, at the same price that the City sold it to Mr. Norris. Karol Schlicher said she would also like to see the City reacquire the land sold at Planeview, but at the same cost that it was sold. There was brief discussion concerning LWCF requirements and the deed to the three acres at Planeview. Mr. Carter suggested that the City reacquire the three acres at Planeview for the asking price (including the additional \$25,000 to cover Mr. Norris's expenses) and pay for the land out of the \$200,000 LWCF grant. He said the remainder of the grant funds could be used to develop the property at 3500 S. Cessna. Staff explained that the \$200,000 LWCF grant that was being withheld pending resolution of the Planeview land replacement issue was earmarked for another project.

Responding to several comments regarding the legality of the land sale, Mike North, Assistant City Attorney, clarified that the sale was legal and that City Council action was binding and could not be undone. He said the only way to void the sale was to go to court. He briefly explained the process and expenses likely to be incurred for attorney's fees and court costs to get an injunction to keep Mr. Norris from developing the property and to obtain a quit title deed.

- Frank E. Smith, GreenWay Alliance – commented on a similar situation several years ago involving the sale of a portion of Grove Park for industrial use. He said the Park Board turned down the developer's offer under the provisions of City Ordinance #125. Mr. Smith recommended that the Planeview land be repurchased for the same price the City sold it.
- Debra Foster, GreenWay Alliance – asked if the property was for sale, why wasn't it advertised and bid on. She said she felt Mr. Norris deserved some compensation for his trouble, but not the amount he was requesting. She stated that the Park Board needed to ask more questions and be a little more cynical of what is presented to them in the future, including touring sites before making a recommendation to the City Council.
- Rosemary Weber, GreenWay Alliance – requested that the City reacquire the three acres that were sold for the same price.

Bob Aldrich commented that repurchasing the three acres for the amount it was sold did not appear to be a viable option. He added that he also didn't think it would be possible to acquire both the three acres at Planeview and the land at 3500 S. Cessna. Dennis Brunner said he didn't feel the three acres that was sold was very valuable as parkland and he couldn't understand attempting to buy it back. He

said he liked the parcel at 3500 S. Cessna because it was more centrally located and closer to the neighborhood. Janet Miller asked about the status of the bike path located on the acreage that was sold. Director Kupper commented that the bike path would be relocated. He said staff was discussing moving the path adjacent to the fence by the Fire Training Facility. He also mentioned the possibility of adding landscaping along the path in that area. Responding to a question from President Bailey regarding other plans for future development at Planeview, Director Kupper commented that the bench donated by Project Beauty would also be relocated along the new path route. He added that currently there were no plans for further development of Planeview Park.

Glen Dey asked how the area was zoned. Mike North said it was zoned light commercial. He also mentioned that the contract contained a list of development restrictions on the property. Director Kupper commented that one contract provision was that the area must be developed within twenty-four months or the City would have the option of reacquiring the land at the original sale price.

There was continued discussion concerning various recommendations including: buying back the three acres with the additional cost; buying back the three acres with no additional cost; acquiring the acreage located at 3500 S. Cessna, most of which was City-owned; and deferring action on the item until after it was discussed by DAB III on January 7, 2004.

Janet Miller said she concurred with Dennis Brunner regarding the acreage at 3500 S. Cessna being more centrally located to the neighborhood. She said she was also interested in amending the City Ordinance regarding parkland to close the loophole and insure this type of situation does not happen in the future. She said the Board thought they were obtaining a better parcel than the three acres sold at the last meeting. Colleen Craig said she is familiar with the area and liked the parcel located at 3500 S. Cessna; however, she suggested the Board defer action until after the DAB III meeting. Bob Aldrich agreed that the issue be deferred until he has reviewed the sites and more input has been received from the surrounding neighborhood.

On motion by Craig, second by Miller, IT WAS VOTED UNANIMOUSLY to defer action on this item until after the January DAB III meeting.

2. **Discussion of Midtown Plan.** Nalini Johnson, Wichita-Sedgwick County Area Planning Department introduced Kathy Landwehr and Bob Pickens from the Midtown Plan Steering Committee. She said the Committee had completed a draft report on the midtown area and was present to review its findings and recommendations regarding parks with the Park Board. She provided board members a draft copy of the plan, which was a design for the midtown community for the next twenty years. She referred to a land use map of the area and reviewed land uses including zoning, parks, housing, schools, and historical designations. She commented on the commercial/industrial nature of the majority of the neighborhood and added that zoning made it difficult to conserve residential housing stock in the area.

Nalini Johnson also briefly reviewed the eight management goals of the plan, as follows: (1) build a sense of community and responsibility; (2) maintain and improve the character of the neighborhood; (3) encourage attractive, affordable and well-maintained housing; (4) preserve and enhance historically-designated homes and districts; (5) encourage a safe and peaceful neighborhood; (6) improve park and recreation space experiences and encourage the utilization of parks; (7) eliminate storm water drainage problems; and (8) eliminate speeding traffic, enhance pedestrian and vehicular

safety and circulation, and encourage walking. She also mentioned the proposed trail project along the abandoned Union Pacific rail line through the area.

Kathy Landwehr reviewed the strategies designed to achieve goal number six of the plan, which was to improve park and recreational space experiences and encourage the utilization of parks. She discussed various ideas such as establishing a community plaza or gathering place within the area; supporting conversion of the abandoned Union Pacific rail line into a greenway; conducting a recreational and community educational needs survey in the area and developing an associated action plan; identifying connectivity gaps throughout the parks and open space system in the area and development of a plan to address those gaps; encouraging use of vacant lots for temporary public uses such as community gardens; and encouraging midtown neighborhood groups and residents to adopt parks in the area. There was also discussion regarding elevation of the Santa Fe railroad through the area. Glen Dey questioned the noise level and suggested that buffers such as trees and other vegetation might help dissipate the noise. He also mentioned the possibility of connecting the proposed greenway with Grove Park and the bicycle path along the 21st Street Corridor. Nalini Johnson commented that the Planning Department coordinated all neighborhood plans.

On motion by Miller, second by Dey, IT WAS VOTED UNANIMOUSLY that the Board approve the concept of the Midtown Neighborhood Plan.

3. **Capital Improvement Program (CIP) Update.** Director Kupper referred board members to a handout, which provided details of each project currently in the CIP budget including project description, justification, relationship to the master plan and other projects, operating budget implications and funding sources. He said the plan was currently being reviewed and changes for 2004-2014 would probably be initiated. M.S. Mitchell asked about the status of the Botanica expansion project and commented that it was not reflected on the CIP document. Director Kupper stated that the \$4.6 million Botanica Expansion project had not been approved or funds appropriated into the current CIP budget. Janet Miller asked if the entire project would be funded through the Park Department's CIP budget. Director Kupper stated that it would probably be funded similarly to the Riverside Park System Plan (as a separate project).
4. **Discussion of GreenWay Alliance (GWA).** Requested by Janet Miller. Janet Miller said she was interested in background and historical information on the GreenWay Alliance (GWA) organization such as how it was created, who can belong, etc.

Director Kupper stated that the Park Alliance was a private, not-for-profit organization with 501(c)(3) tax exempt status from the Internal Revenue Service. He said that group could acquire donations for park amenities, land acquisition and projects such as Botanica. He said the Park Alliance merged with the Greenway Commission and the organization became known as the GreenWay Alliance. He commented that Debra Foster was the President of the GWA.

Mary Lou Rivers, GreenWay Alliance (former Park Alliance member), briefly reviewed Park Alliance projects including purchase of the portable stage; establishing seed money and holding private donations and other funding for development of Botanica; establishing the "Trees for Neighborhoods" project; land acquisition and subsequent donation of the land to the Park Department for future park development; purchase of a computer and related hardware and software for use by Park staff; payment of subscriptions and memberships in professional organizations related to park and recreation; payment of additional training for Park staff; as well as establishing numerous private

accounts and acting as a holding agency for funds for numerous activities for park and recreation projects. She added that the GWA also acted as an umbrella group and partnered with various other organizations such as Project Beauty, Sierra Club, Audubon Society, Medical Auxiliary, Arkansas River Coalition, and the Wichita Garden Club, to name a few.

Debra Foster, President, GreenWay Alliance, commented that the Park Alliance existed for approximately twenty years. She said the Greenway Commission was established approximately fifteen years ago as a joint City/County commission, with the first members being appointed by the City Council and County Commission. She said the original focus of the Greenway Commission was on public education and establishing trails, paths and greenways throughout Wichita and Sedgwick County. She said in December, 2001, the organization merged with the Park Alliance, re-writing their by-laws and refocusing their efforts on preservation of existing parks and open spaces. She said the group also advocates acquisition of parkland ahead of development, cooperative efforts between the City and County, and establishment of rail trails wherever possible.

Responding to a question from Bob Aldrich, President Foster commented that the GWA was currently focused on two projects. One was development of the South Arkansas River Greenway and the other was recreational use of a portion of the Big Ditch (Wichita-Valley Center Flood Control Project) near the Sedgwick County Zoo. President Foster stated that the GWA fully understood that the Big Ditch was built for flood control purposes, which they in no way wanted to see compromised; however, they still felt that portions of the ditch could be used for trails and pathways.

There was considerable discussion concerning the floodway being acquired for flood control purposes only and possible purchase of recreational rights along it. President Foster commented that the GWA was working with the County to establish ownership along the floodway by conducting a title search. Frank Smith, GWA, commented that he believed the City had acquired a portion of the floodway for recreational use just south of 29th Street for a motorcycle track. He said the City had reached a settlement with adjacent property owners.

President Bailey asked how members were appointed to the GWA? President Foster stated that GWA members are self-appointed by other board members. President Bailey also inquired about the meeting schedule. President Foster commented that since the GWA has lost the support of the Park Department, they have not established a firm monthly meeting date, time or location. President Bailey requested that the GWA provide that information to staff once it has been decided.

5. **Director's Update.** Director Kupper reported briefly on the following item:

- **Sisters of St. Joseph Project.** Requested by Colleen Craig. Director Kupper stated that the project was still moving forward.
- **Riverside Park.** Commented that the sneak preview/dedication on November 29th was very well attended. He mentioned celebration plaza, the interactive fountain, strolling path, and remodel of the building adjacent to the Kansas Wildlife Exhibit. He also mentioned fund raising activities associated with the wildlife exhibit. He stated that a formal grand opening ceremony for the park would be rescheduled around the first weekend in May, 2004.

There being no further business, the meeting adjourned at approximately 5:45 p.m.

June Bailey, President

ATTEST:

Maryann Crockett, Clerk
Recording Secretary